

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Farquhar et al.

GROUP ART UNIT: 2109

SERIAL NO.: 08/818,520

EXAMINER:

FILING DATE: March 14, 1997

ATTY. DOCKET NO.: P97,0500-R

TITLE: "PCMCIA STANDARD MEMORY CARD FRAME"

Asst. Commissioner for Patents
Washington, D.C. 20231

PETITION TO OBTAIN FILING DATE

SIR:

In response to the Notice to File Missing Parts of Application, Applicants petition the Patent Office to assign U.S. Serial No. 08/818,520 a filing date of March 14, 1997. Applicants submit that all formal requirements including the drawings were submitted at the time the application was filed.

As evidence of the same, Applicants attach hereto a copy of the date-stamped return postcard received from the Patent Office that identifies each of the items filed with this application. Applicants note that a re-issue application was filed that included the application itself in its "single-column" format. In addition, a copy of U.S. Patent No. 5,387,857 was filed with this application as shown by the date-stamped return postcard, a copy of which is attached hereto as Exhibit A. Since no changes to the drawings were required, U.S. Patent No. 5,387,857 was submitted with the intent to meet the drawing requirement under 37 CFR §1.174. The MPEP clearly states in Sec. 1413 that "the drawings of the original patent may be used in lieu of new drawings, provided that no alteration whatsoever is to be made in the drawings, including canceling an entire sheet." (See MPEP, Sec. 1413 Rev.2, July 1996, page 1400-6, a copy of which is attached hereto as Exhibit B)

For further reference by the Patent Office, Applicant

09/19/1997
01 FC:122
02 FC:129
EMILLIAN-00000623 08/818520 130 130 130

submit a photocopy of the drawings from the original patent for use with this re-issue application.


Applicants further submit the petition fee of \$130.00 as required under 37 CFR §1.17(i). Since the application was complete upon filing, Applicants request the Patent Office to refund the petition fee.

Further, Applicants submit the payment of a surcharge of \$130.00 in compliance with 37 CFR §1.27. Likewise, Applicants request a refund of this surcharge as the application was complete upon filing.

If any other fees are due and owing, or if any further refund is warranted, Applicants authorize the Patent Office charge or credit Deposit Account No. 08-2290. ***A duplicate copy of this sheet is enclosed for this purpose.***

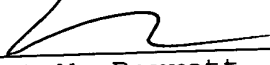
In view of the foregoing, Applicants respectfully request the Patent Office to grant this application a filing date of March 14, 1997.

Respectfully submitted,



(Reg. No. 30,142)
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ATTORNEY FOR APPLICANTS

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on August 22, 1997.

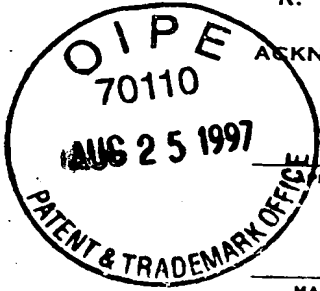


Robert M. Barrett (Reg. No. 30,142)

HON. COMMISSIONER OF PATENTS & TRADEMARKS
WASHINGTON, D. C. 20231 BOX 7

R:

PLEASE APPLY A RECEIPT STAMP HERETO AND MAIL TO
ACKNOWLEDGE RECEIPT OF THE ATTACHED:



Farquhar et al.

APPLICANT

3/14/97

MAILING DATE

Reissue Appl'n; 5 unexec.
declarations w/att'd app;
2 transmittal ltrs, Title
Report Order; ck. for
\$25.00; ck for \$1076.00

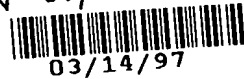
P97,0500 USP#5,397,857

REFERENCE NUMBER

HILL, STEADMAN, & SIMPSON
A PROFESSIONAL CORPORATION

67840 U.S. PTO

08/818520



Form 20R

EXHIBIT A

1413

attempt made beyond the two year limit to convert the reissue into a broadening reissue) *cert. denied* 476 U.S. 1183 (1986).<

A reissue application is considered filed within 2 years of the patent grant if filed on the 2-year anniversary date of the patent grant: see *Switzer & Ward v. Sockman & Brady*, 142 USPQ 226 (CCPA 1964) for a similar rule in interferences.

Form Paragraphs 14.12 and 14.13 may be used in rejections based on improper broadened reissue claims.

¶ 14.12 Rejection, 35 U.S.C. 251, Broadened Claims After Two Years

Claim [1] rejected under 35 U.S.C. 251 as being broadened in a reissue application filed outside the two year statutory period. [2].

Examiner Note:

The claim limitations that broaden the scope should be identified and explained in bracket 2. See MPEP § 706.03(x) and § 1412.03.

¶ 14.13 Rejection, 35 U.S.C. 251, Broadened Claims Filed by Assignee

Claim [1] rejected under 35 U.S.C. 251 as being improperly broadened in a reissue application made and sworn to by the assignee and not the patentee.

1413 Drawings [R-1]

37 CFR 1.174. Drawings.

(a) The drawings upon which the original patent was issued may be used in reissue applications if no changes whatsoever are to be made in the drawings. In such cases, when the reissue application is filed, the applicant must submit a temporary drawing which may consist of a copy of the printed drawings of the patent or a photoprint of the original drawings of the size required for original drawing.

(b) Amendments which can be made in a reissue drawing, that is, changes from the drawing of the patent, are restricted.

If transfer of the patent drawings to the reissue application is desired, a letter requesting transfer of the drawings from the patent file should be filed along with the reissue application.

If transfer of the original drawing is contemplated, applicant must submit a copy of the original drawing.

The drawings of the original patent may be used in lieu of new drawings, provided that no alteration whatsoever is to be made in the drawings, including canceling an entire sheet.

When the reissue case is ready for allowance, the examining group makes the formal transfer of the original drawing to the reissue case ** >, notation thereof being entered on the file wrapper of the patented

file.< Additional sheets of drawings may be added, but no changes can be made in the original patent drawings.

1414 Content of Reissue Oath or Declaration [R-2]

37 CFR 1.175. Reissue oath or declaration.

(a) Applicants for reissue, in addition to complying with the requirements of § 1.63, must also file with their applications a statement under oath or declaration as follows:

(1) When the applicant verily believes the original patent to be wholly or partly inoperative or invalid, stating such belief and the reasons why.

(2) When it is claimed that such patent is so inoperative or invalid "by reason of a defective specification or drawing," particularly specifying such defects.

(3) When it is claimed that such patent is inoperative or invalid "by reason of the patentee claiming more or less than he had a right to claim in the patent," distinctly specifying the excess or insufficiency in the claims.

(4) [Reserved]

(5) Particularly specifying the errors relied upon, and how they arose or occurred.

(6) Stating that said errors arose "without any deceptive intention" on the part of the applicant.

(7) Acknowledging the duty to disclose to the Office all information known to applicants to be material to patentability as defined in § 1.56.

(b) Corroborating affidavits or declarations of others may be filed and the examiner may, in any case, require additional information or affidavits or declarations concerning the application for reissue and its object.

The reissue oath or declaration is an essential part of a reissue application and must be filed with the application or within the time set under 37 CFR 1.53*>(d)<(1). The question of the sufficiency of the reissue oath or declaration filed under 37 CFR 1.175 must in each case be reviewed and decided personally by the primary examiner (see MPEP § 1414.03).

Reissue oaths or declarations must point out very specifically what the defects are and how and when the errors arose, and how and when errors were discovered. If additional defects or errors are discovered after filing and during the examination of the application, a supplemental reissue oath or declaration must be filed pointing out such defects or errors and how and when they arose and how and when they were discovered. Any change or departure from the original specification or claims represents an "error" in the original patent under 35 U.S.C. 251 and must be addressed in the original, or a supplemental, reissue oath or declaration under 37 CFR 1.175. The statements in the oath or declaration must be of

